United Nations ST/SGB/1999/6

Secretariat

8 June 1999

Secretary-General's bulletin

Commission for Historical Clarification

The Secretary-General, for the purpose of establishing a special regime for the management, utilization, preservation and disposition of the documents, records and other materials of the Commission for Historical Clarification established pursuant to the Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer signed in Oslo on 23 June 1994 between the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (A/48/954–S/1994/751, annex II) (hereafter "the Agreement"), which documents, records and materials are entitled, pursuant to an exchange of notes between the United Nations and the Government of Guatemala, done at Guatemala City on 12 and 17 December 1997, to the protection which is afforded by section 22 (c) of the Convention on the Privileges and Immunities of the United Nations, approved by the General Assembly on 13 February 1946, promulgates the following:

Section 1
Scope of bulletin

The present bulletin shall apply to all documents, records and other materials of whatever kind (hereafter "records") transferred by the Commission to the custody of the Secretary-General, with the exception of such records as may be specifically designated in writing by the Coordinator of the Commission as being for the public domain.

Section 2
Preparation of records for storage

2.1 The Archives and Records Management Section of the Office of Central Support Services shall arrange for the transfer of the records to storage in the archives of the United Nations.

2.2 Prior to the transfer of the records to storage pursuant to section 3, only:

(a) The Chief of the United Nations Archives and Records Management Section,

(b) Such officials of his or her Section as he or she may designate in writing and

(c) Such persons as the Coordinator of the Commission may designate in writing

may have access to or use the records or any part thereof without the express written authorization of the Secretary-General granted in accordance with section 4 below.

Section 3
Storage

3.1 Once the records have been prepared for storage, they shall be transferred to permanent storage in sealed containers in the archives of the United Nations on premises which are within the headquarters district as defined in the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, done at Lake Success on 26 June 1947, as from time to time supplemented.

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3.2 Subject to section 3.3, the sealed containers of records shall remain sealed until 1 January 2050, or until such date thereafter as the Secretary-General may specify after having regard to the factors referred to in section 4.3 below.

3.3 Before the date specified in or in accordance with section 3.2 above, the sealed containers may only be unsealed, and access to or use of the records or any part thereof permitted, upon the express written authorization of the Secretary-General granted in accordance with section 4.

Section 4
Authorization of access

4.1 The written authorization of the Secretary-General for the unsealing of any of the sealed containers in which the records are stored or for access to or use of the records or any part thereof:

(a) Shall be signed by the Secretary-General in person; and

(b) Shall specify the conditions under which access to, sight of or use of the records is to be permitted.

4.2 Without prejudice to section 2, access to or use of the records shall be permitted only insofar as it is in accordance with the conditions which have been specified in accordance with section 4.1.

4.3 In deciding whether or not to authorize the unsealing of any of the containers in which the records are stored or access to or use of the records or any part thereof, the Secretary-General shall have regard to the provisions of the Agreement, in particular, the stipulation that "[t]he Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants" (*Operation*, para. IV).

Section 5
Final provisions

The present bulletin shall enter into force on 31 March 1999.

(*Signed*) Kofi A. **Annan**
Secretary-General